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Attorney Keeps Job After Remarks on C.I.A. Link

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WASHINGTON, March 29 — The United States Attorney who revealed the intelligence connections of a Mexican under criminal investigation in San Diego will keep his job, according to Justice Department officials, although Congressional officials say he probably violated provisions of pending legislation aimed at protecting the identity of American intelligence agents.

Michael J. O'Neill, chief counsel of the House Intelligence Committee, said that the disclosures last week by William H. Kennedy, the United States Attorney in San Diego, appeared to fall directly under provisions of the Intelligence Identities Protection Act, which prohibits the identification of covert intelligence agents working for the United States.

The legislation has been approved by both the House and the Senate and is expected to be passed and sent to President Reagan next month, after House and Senate members resolve differences in wording.

Mr. Kennedy, who was summoned to Washington to meet with senior Justice Department officials, received a dressing-down today, but will be permitted to stay in his job, according to department officials.

Former Mexican Police Chief

Last Friday, Mr. Kennedy charged that since last November, the Justice Department has blocked his efforts to indict Miguel Nassar Haro, the former chief of Mexico's national police, the Directorate of Federal Security, in a major criminal case because the Central Intelligence Agency had advised that the Mexican was a key intelligence source in Central America.

Senior Reagan Administration officials said today that Mr. Nassar's connections with the C.I.A. were considered particularly sensitive because the

intelligence information he provided involved the activities of guerrilla leaders from El Salvador and Guatemala.

They said that under Mr. Nassar's guidance, the Directorate of Federal Security had conducted joint intelligence-gathering operations with the C.I.A. and passed on sensitive information about Soviet and Cuban assistance of guerrilla forces in Central America. According to these officials, Mr. Nassar, who left his job in January, was a key source of information used by the Reagan Administration to justify its assertions of Soviet and Cuban interference in the region.

Investigation of Boyce

In addition, according to former American intelligence officials, Mr. Nassar played a major role in 1977 in the investigation and apprehension of two Americans, Christopher J. Boyce and Andrew Daulton Lee, later convicted of selling highly classified technical data to the Soviet Union.

Justice Department officials said that the intelligence agency advised the department last year that prosecution of Mr. Nassar on charges that he was involved in an \$3 million stolen car ring could expose and jeopardize important international intelligence connections.

When Mr. Nassar left his job in January, for reasons apparently unrelated to the American investigation, the agency warned that prosecution could damage relations between it and the Mexican security agency, according to Justice Department officials.

Mr. Kennedy's disclosures, Congressional officials said, would be prohibited by several sections of the new legislation. Mr. O'Neill, who said that his comments should not be interpreted as a confirmation that Mr. Nassar was, in fact, an intelligence source, said that Mr. Kennedy's comments would be covered by one of two provisions in the law that deal with people who have author-

ized access to classified information.

Both sections prohibit the intentional disclosure by such a person of information that identifies a covert agent. Justice Department officials said today that Mr. Kennedy had been shown classified C.I.A. documents that described Mr. Nassar's activities, including his association with the agency.

'Measures to Conceal'

These sections also make it a condition for prosecution that the United States be taking "affirmative measures to conceal" the covert agent's intelligence relationship to the United States. Justice Department officials said such measures were clearly being taken in the case of Mr. Nassar.

The term "covert agent," as defined in the Senate version of the legislation, includes this language: "An individual, other than a United States citizen, whose past or present intelligence relationship to the United States is classified information and who is a present or former agent of, or a present or former informant or source of operational assistance to, an intelligence agency."

Congressional and Reagan Administration officials said that Mr. Nassar fit that description.

An official on the Senate Intelligence Committee staff said that Mr. Nassar, as head of a foreign intelligence service, could not be considered a covert agent. However, other officials disagreed, saying that Mr. Nassar's close association with the C.I.A. was classified and that he served as both an informant and a source of operational assistance.

Officials said they doubted that journalists who wrote about Mr. Kennedy's disclosures could be prosecuted because the section of the bill that covers journalists requires that the Government prove that they had engaged in a pattern of identifying covert agents.